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MAY 14 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JCS

SAN FRANCISCO DIVISION

MELONEY WRIGHT and DONNY
WRIGHT, wife and husband; DANYELE
BACON, a single woman; DIANA BURK,
a single woman; TIMA LEIPHART, a
single woman; NUBIA FLORES, a single
woman; MOLLY KIRKPATRICK, a single
woman; REYNALDA ALVARADO, a
single woman; GAYLE ANDERSON, a
single woman; VERONIQUE PETERS and
DONNY PETERS, wife and husband;
LAKEYA BASKOM, a single woman;
TIFFANY LILLIE, a single woman; and
LORRAINE FONTANILLA-WEBBER, on
behalf of her minor daughter, ASHLEY
WEBBER,

Plaintiffs,

v.

ORTHO-MCNEIL CORPORATION, a
foreign corporation; JOHNSON &
JOHNSON, a foreign corporation;
JOHNSON & JOHNSON SERVICES,
INC., a foreign corporation; JOHNSON &
JOHNSON HEALTH CARE SYSTEMS,
INC., a foreign corporation; JOHNSON &
JOHNSON RESEARCH &
DEVELOPMENT, L.L.C., a foreign
corporation; JOHNSON & JOHNSON
CONSUMER COMPANIES INC., a
foreign corporation; MCKESSON
CORPORATION, a Delaware corporation;
ALZA CORPORATION, a California

Case No. **07 2541**
**DECLARATION OF BRENDA N.
BUONAIUTO IN SUPPORT OF
NOTICE OF REMOVAL AND
REMOVAL OF ACTION UNDER 28
U.S.C. § 1441(b) [DIVERSITY]**

1 corporation aka ALZA DEVELOPMENT
2 aka ALZA INTERNATIONAL, INC., and
DOES 1-50,

3 Defendants.

4
5 I, Brenda N. Buonaiuto, declare:

6 1. I am an attorney admitted to practice before all courts of the State of
7 California and am Counsel with Drinker Biddle & Reath, LLP, attorneys for defendants
8 in this action. I make this Declaration based on my personal knowledge, in support of
9 defendants' removal of *Meloney Wright, et al. v. Ortho-McNeil Corporation, et al.*, Case
10 Number CGC-07-460481, to this Court. I would and could competently testify to the
11 matters stated in this Declaration if called as a witness.

12 2. A true and accurate copy of the Complaint in this action is attached as
13 **Exhibit A**. The Complaint is the only state court pleading known to defendants to have
14 been filed in this action.

15 3. All defendants were served with the Summons and Complaint in this
16 action, via their respective registered agents, on April 12, 2007.

17 4. Defendant Ortho-McNeil Pharmaceutical, Inc. was and is a corporation
18 existing under the laws of the State of Delaware, with its principal place of business in
19 New Jersey. OMP is a subsidiary of defendant Johnson & Johnson.

20 5. Defendants Johnson & Johnson, Johnson & Johnson Services, Inc., Johnson
21 & Johnson Health Care Systems, Inc., and Johnson & Johnson Consumer Companies,
22 Inc. were and are corporations existing under the laws of the State of New Jersey, with
23 their principal places of business in New Jersey.

24 6. Defendant Johnson & Johnson Pharmaceutical Research & Development,
25 L.L.C. was and is a limited liability company existing under the laws of the State of New
26 Jersey, with its principal place of business in New Jersey.

27 7. Defendant Alza Corporation was and is a Delaware corporation, with its
28 principal place of business in Mountain View, California. Alza is a subsidiary of

1 defendant Johnson & Johnson and is a separate and distinct entity from J&J subsidiary
2 OMP. Alza consents to the removal of this action to this Court.

3 8. Defendant McKesson Corporation is a non-exclusive distributor of Ortho
4 Evra®. McKesson consents to the removal of this action to this Court.

5 9. Defendants will file a notice of the filing of this Notice of Removal and
6 Removal in the San Francisco County Superior Court and will serve plaintiffs' counsel
7 with a copy.

8 10. On March 1, 2006, the Judicial Panel on Multidistrict Litigation ("JPML")
9 created MDL 1742, *In re: Ortho Evra Products Liability Litigation*, ruling that all
10 federal actions involving allegations of injury or death from use of the prescription drug
11 Ortho Evra® be centralized for pre-trial purposes in the United States District Court for
12 the Northern District of Ohio, before the Honorable David A. Katz, Case Number 1:06-
13 CV-40000-DAK. To date, over 400 cases have been transferred to MDL 1742, and
14 transfers of additional "tag-along" actions are pending.

15 11. Attached as **Exhibit B** is a true and accurate copy of the Declaration of
16 Greg Yonko, Senior Vice President – Purchasing, McKesson Corporation, filed in *Abel,*
17 *Theresa, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al.*, United States District Court,
18 Northern District of California, Case No. C 06 7551 SBA, on December 8, 2006.

19 12. Attached as **Exhibit C** is a true and accurate copy of the Slip Opinion in *In*
20 *re PPA Products Liability Litigation*, MDL No. 1407, Docket No. C02-423R
21 (W.D.Wash. Nov. 27, 2002).


22 13. Attached as **Exhibit D** is a true and accurate copy of the Slip Opinion
23 denying the plaintiffs' motion to remand in *Barlow, et al. v. Warner-Lambert Co., et al.*,
24 Case No. CV 03-1647-R(RZx), in the United States District Court for the Central District
25 of California (Western Division), dated April 28, 2003.

26 14. Attached as **Exhibit E** is a true and accurate copy of the Slip Opinion
27 denying the plaintiffs' motion to remand in *Skinner, et al. v. Warner-Lambert Co., et al.*,
28 Case No. CV 03-1643-R(RZx), in the United States District Court for the Central District

1 of California (Western Division), dated April 28, 2003.

2 15. I have reviewed reports of verdicts and settlements in cases in this judicial
3 district, in actions claiming death from the use of prescription drugs or medical devices.
4 Based on that review, it is reasonably believed that if plaintiffs succeeded in proving their
5 allegations in this action, they would each would recover in excess of \$75,000, exclusive
6 of interest and costs. Plaintiffs in the Ortho Evra® MDL have specifically alleged that
7 the amount in controversy in their respective actions exceeds \$75,000, exclusive of
8 interest and costs.

9 I declare under penalty of perjury under the laws of the United States of America that
10 the foregoing is true and correct. Executed on May 14, 2007.

11 
12 Brenda N. Buonaiuto